

**THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

v.

VINESSA DONATELLI

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CR. NO. 2:06CR272-MEF

**UNITED STATES' RESPONSE TO DEFENDANT'S
MOTION FOR DOWNWARD DEPARTURE**

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and files the instant Response to Defendant Vinessa Donatelli's Motion for Downward Departure as follows:

The Government and the defendant have reached an agreement that, if accepted by the Court, would obviate the need for consideration of defendant's Motion for Downward Departure (the "Motion"). The terms of the agreement are as follows:

1. The parties will jointly recommend a within-guideline sentence, consisting of five years probation, with the first six months to be served in home detention. Defendant shall not be subject to electronic monitoring. Defendant may accompany her husband on business travel, and, when she does so, shall remain confined to a location to be approved by the Probation Officer.

2. If the Court sentences defendant consistent with this recommendation, defendant shall withdraw the Motion.

3. If the Court is not inclined to sentence defendant consistent with this recommendation, defendant may pursue the Motion, subject to the Government's right to oppose.

Respectfully submitted this 9th day of October, 2007.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/Andrew O. Schiff
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CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Joseph P. VanHeest, Esq.

Respectfully submitted,

/s/Andrew O. Schiff
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